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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,455	01/15/2004	Charles O. Townley	THUMB-604DIV	5634

7590  
Christopher John Rudy  
209 Huron Ave., Ste. 8  
Port Huron, MI 48060

03/02/2009

EXAMINER
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PELLEGRINO, BRIAN E

ART UNIT	PAPER NUMBER
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3738

MAIL DATE	DELIVERY MODE
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03/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* CHARLES O. TOWNLEY

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Application No. 10/758,455  
Technology Center: 3700

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Mailed: March 2, 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 23, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

APPEAL BRIEF  
EVIDENCE APPENDIX AND RELATED  
PROCEEDINGS APPENDIX

The “Evidence Appendix”, as set forth in 37 CFR § 41.37(c)(1)(ix); and the “Related Proceedings Appendix”, as set forth in 37 CFR § 1.37(c)(1)(x), are missing from the Appeal Brief filed February 8, 2008. A Supplemental Brief that is in compliance with 37 CFR § 41.37(c)(1)(ix) and 37 CFR § 41.37(c)(1)(x) is required.

Accordingly, it is

**ORDERED** that the application is electronically returned to the Examiner:

- 1) hold the Appeal Brief filed on February 8, 2008, defective;
- 2) notify appellant to file Supplemental Appeal Brief providing the “Evidence Appendix”, as set forth in 37 CFR § 41.37(c)(1)(ix) and the “Related Proceedings Appendix”, as set forth in 37 CFR § 41.37(c)(1)(x).
- 3) consider the Supplemental Appeal Brief as required by CFR § 41.37(c)(1)(ix) and 37 CFR § 41.37(c)(1)(x) 41.37(c)(1)(v); and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

Application No. 10/758,455

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